IN THE

Supreme Court of the United States

OCTOBER TERM, A.D. 1957.

No. 913

PAUL CRUMP,

Petitioner,

vs.

THE PEOPLE OF THE STATE OF ILLINOIS,

Respondent

On Petition For Rehearing For A Writ Of Certiorari To The Supreme Court Of Illinois

MELVIN B. LEWIS,
FRANK W. OLIVER,
ALBERT M. SHEPPARD,
33 North LaSalle Street,
Chicago 2, Illinois,
CEntral 6-8510,
Attorneys for Petitioner.

Midwest Law Printing Co., 326 S. Michigan Ave., Chicago
Telephone: Financial 6-2088

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To: The Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States.

Your petitioner, Paul Crump, respectfully prays that this honorable Court rehear the Petition for a Writ of Certiorari previously denied by the Court.

Reasons Why The Petition For Rehearing Should Be Granted

Mindful of Rule 58 of the rules of this Court, limiting the grounds upon which we may petition for rehearing, we represent to the Court that circumstances, in the form of a further Petition for Certiorari to the Supreme Court of Illinois in a like matter, have intervened, such that we properly may urge this Court to rehear the Petition for Certiorari.

Within approximately three days of the denial of certiorari in this cause, as Petitioner is informed, there was filed in this Court a Petition for Certiorari in the case of *Lloyd Eldon Miller* v. *The People of the State of Illinois*, which said Petition has, as Petitioner believes, been docketed in this Court under miscellaneous No. 822.

The opinion of the Supreme Court of Illinois in the *Miller* case was published subsequent to the filing of the original Petition herein. The opinion appears at 13 Ill. 2d 84 and at 148 NE 2d 455. The said opinion is an extension of and a logical corollary to the opinion filed in Petitioner's case, and establishes beyond all question that in Illinois, a confession will qualify for admission into evidence if corroborated and considered reliable, notwithstanding it may have been elicited by coercion.

The exact language used by the Illinois Supreme Court in the *Miller* case, relevant to the present inquiry is as follows:

> * * * the real question presented to the court is not whether there is evidence of threats or promises, but whether there has been any threat or promise of such a nature that a prisoner would be likely to tell an untruth from fear of threat or hope of profit from the promise." (13 Ill. 2d 96, 148 NE 2d 462)

The broadcast into the reports of the opinion in *Miller* can serve only to lend further support to law enforcement officials who proceed by subjecting suspects to coercive measures, all to the further detriment of the citizens of the State of Illinois.

Petitioner earnestly suggests to this Court that the failure of the State to answer his Petition was for the reason that there simply was no proper answer that could be made. The State may well have felt that the Petition would receive less consideration if unanswered, but this was, we submit, an implied acknowledgment of the merit of the propositions advanced in the Petition.

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CONCLUSION.

For the foregoing reasons we pray that this Court reconsider its denial of the Petition for Certiorari herein, and thereafter grant certiorari.

Respectfully submitted,

MELVIN B. LEWIS,
FRANK W. OLIVER,
ALBERT M. SHEPPARD,
33 North LaSalle Street
Chicago 2, Illinois
CEntral 6-8110.
Attorneys for Petitioner

Certificate of Counsel

Melvin B. Lewis, one of the attorneys for the petitioner herein, certifies that the within Petition for Rehearing is filed in accordance with Rule 58 of the rules of this Court; that it is presented in all good and earnest faith, and not for the purpose of delay; and he further certifies that this Petition is predicated upon the intervention of a circumstance which did not exist at the time of the filing of the Petition for Certiorari herein.

Melvin B. Lewis further certifies that he has mailed three copies of the foregoing Petition to the Attorney General of the State of Illinois, Springfield, Illinois, and has also mailed a copy hereof to the State's Attorney of Cook County, Illinois, said mailing being effected by depositing the said copies hereof in a mailbox, with first-class postage prepaid, addressed to the said Attorney General and State's Attorney at their post-office addresses.

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Melvin B. Lewis